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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,367	11/26/2003	Weixin Xu	SVL920030119	6117
33221	7590	03/08/2007	EXAMINER	
HOLLAND & KNIGHT LLP 2099 PENNSYLVANIA AVE. N.W. WASHINGTON, DC 20006			TRUONG, LECHI	
			ART UNIT	PAPER NUMBER
			2194	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/08/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/721,367	XU ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	LeChi Truong	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 January 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 3/4/04, 3/1/04, 11/26/03.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

1. Claims 1-18 are presented for the examination

### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter.

3. Claims 13-18 are rejected as non-statutory because it is not tangibly embodied.

<sup>13-18</sup>  
Claim ~~18~~ defines a signal-bearing medium in the preamble. However, the specification discloses this signal-bearing medium to be a light wave transmission. A light waves are not the tangible medium; therefore, claims 13-18 are non-statutory.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mann et al (US. Patent 6,654,801 B2) in view of Chu et al (US. Patent 6,718,376 B1).

**As to claim 1,** Mann teaches the invention substantially as claimed including: activating an application program (start, stop and reconfigure the node 48 or service 54, col 9, ln 29-31), message (exception event, col 9, ln 35-45), a predetermined event (an abnormal condition within the corresponding node 56 or service/error, col 9, ln 35-45), the application program (the control adapter 56 and the service adapter 52, col 9, ln 34-45), an further application (the subscribing NCC 62, col 9, ln 35-45), monitoring messaging between the application program and a further application for a predetermined event( col 6, ln 35-45), a trigger message( trigger remoter system administrator notification, col 10, ln 1-5), the predetermined event ( the level of error exception events( minor, recoverable, severe, critical or unrecoverable , col 10, ln 1-5), parameters associated with application ( error, warning, or information only, col 10, ln 1-5), generating a trigger message based on the predetermined event an predetermined process parameters associated with the application program(col 10, ln 1-10), an activation command( a reconfiguration event, col 10, ln 8-12/ start, stop and reconfiguration event, col 9, ln 29-34) an activation command based on the trigger message operable to activate the application program( col 10, ln 8-12, col 9, ln 29-34).

Mann does not explicitly teach generating command. However, Chu teaches generating command (initiates an automatic restart process, col 9, ln 42-45).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching of Mann and Chu. Because Chu's generating command would improve the teaching of Mann by allowing the system administrator to restart the failed of components by identifying the errors and failures created by the service component.

**As to claim 2,** Mann teaches an indication that a connection with an application adapter is lost, a message indicative of the application program entering a maintenance shutdown (col 7, ln 45-50).

5. Claims 3-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mann et al (US. Patent 6,654801 B2) in view of Chu et al (US. Patent 6,718,376 B1), as applied to claim 1 above, and further in view of Bhattacharyya et al (US 2002/0064126 A1).

**As to claim 3,** Mann teaches the application messaging is controlled by an integration broker (col 5, ln 13-17), parameter from the group of activation parameters of a time interval, a repeat activation number, and a type of activation (col 10, ln 1-5).

Mann and Chu does not teach an application queue associated with the queue manager. However, Bhattacharyya teaches an application queue associated with the queue manager (a queue-sharing group queue manager receives such a start request, para [0055], ln 8-13).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching of Mann, Chu and Bhattacharyya because Bhattacharyya's application queue associated with the queue manager would improve the efficiency of Mann and Chu's systems by allowing the synchronization information to ensure that data is recovered to a consistent state so that channel recovery is achieved without loss of data integrity.

**As to claim 4,** Mann teaches the application messaging is controlled by an integration broker based ( col 5, ln 24-30), at least parameter from group of activation parameter of a time interval, a repeat activation number, and a type of activation, col 9, ln 30-32).

**As to claim 5**, Mann teaches an activation command from one of the group of a start command, a resume command, and a restart command (col 9, ln 27-34).

**As to claim 6**, Mann teaches the application parameters comprising one of the group a... a type of activation (col 10, ln 1-5), creating the process definition object based on at least one of the application parameters to generate the activation command (col 10, l -11).

**As to claim 7**, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above. In additional, Mann teaches application activation tool (col 9, ln 28-34).

**As to claims 8-18**, they are apparatus claims of claims 1-6; therefore, they are rejected for the same reason as claims 1-6 above.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is ( 571) 272 3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomson, William can be reached on (571) 272 3718. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 2194

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

March 1, 2007

  
WEI ZHEN  
SUPERVISORY PATENT EXAMINER